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MISCELLANY.

BAR EXAMINATION.

Richmond, Virginia, January 12th, 1906.

1. Define law in its most comprehensive sense.
2. Define municipal law. Give the principal subdivisions, and sources from which each is derived.
3. Give the origin of courts of equity, and the general nature of equity jurisdiction.
4. Give four grounds of equitable jurisdiction, and also four maxims of equity.
5. Define property, and give the two principal classes.
6. What things are not the subject of property, but may be enjoyed by mankind in common?
7. Give the two principal methods for the acquisition of real estate, and the distinguishing features between them.
8. What are the statutory covenants of title to real estate, and the effect of each?
9. Define an estate in fee simple, and give its incidents. Define a base fee and a conditional fee; also a remainder and a reversion.
10. Define a vested and a contingent remainder, respectively, giving an example of each.
11. A devises land to his daughter and her four children. What is the character of their holding, and the extent of the interest of each in the property? How, if the devise is to the daughter for the support of herself and the children?
12. What are the appropriate actions for trying title to land, and also for the recovery of the possession? Give procedure.
13. Define a mortgage, giving distinguishing features between a mortgage and a conditional sale.
14. Define a contract; distinguish express, implied and quasi contracts.
15. What contracts are required to be in writing (by what statute so required), and what under seal?
16. What is a bill of exchange; what a promissory note; and what a bond, and how was the latter made at common law, and how by statute in Virginia?
17. What constitutes negotiable paper in Virginia; and what steps are necessary to hold endorsers liable upon its nonpayment at maturity, and give the order of their liability. **Quoad** the payee and among themselves?
18. What are the principal relations in private life?
19. How may an agency be created? When are the powers of an

agent implied from necessity; and how ought the revocation of his authority to be announced to protect the principal?

20. Define Insurance generally, and give the principal subdivisions.

21. Define a corporation, and state what tribunal can grant charters in Virginia; also, if a stockholder in a Virginia corporation is ever liable for more than his stock subscription. If so, in what case, to what extent, and under what circumstances?

22. What is a will, and what is necessary to its valid execution? Define executor, administrator, administrator d. b. n., administrator d. b. n. c. t. a., and curator.

23. A teamster drives his wagon against a telephone pole planted near the centre of the road (the presence of which he could not discern on account of the darkness of the night), which causes his horses to run away and collide with a second pole near the roadside, inflicting personal injuries upon the driver. What is the natural and proximate cause of the accident, and is the telephone company liable in damages?

24. If joint wrongdoers are sued jointly and plead jointly, can separate damages be assessed against each? How if they plead separately? If the assessment be joint, and one of the defendants is but slightly culpable, what should be the measure of damages; and when, if at all, may there be contribution or exoneration among wrongdoers?

25. What must be alleged and proved in order to entitle a plaintiff to recover for a malicious prosecution? What constitutes "probable cause," and what effect has the reversal of a judgment of conviction in the criminal prosecution upon that element of the case? Is a nonsuit a sufficient ending of the prosecution to warrant an action for malicious prosecution? If advice of counsel is relied on as a defense, what must be proved?

26. What are the nonassignable duties of a master; and what the effect of the employment of an independent contractor to discharge such duties?

27. A blacksmith permits a tramp to use his anvil to bend a rod. While so engaged, the tramp has an eye put out by the negligence of the blacksmith. The tramp brings action against the blacksmith's master for the injury. Can he recover and why?

28. A railroad company, acting under its charter, constructs its tracks on its right of way through a city, and runs so near a business house that the constant noise, jarring the building, and necessary smoke render the house uninhabitable. The owner sues for damages. Can he recover?

29. A child eight years of age, passing along a city street, thrusts his hand through a fence inclosing an adjacent lot, and seizes a live electric wire, which a street car company has negligently left suspended through the limbs of a tree, and receives injuries for which he sues the street car company. Can he recover?

30. A dies intestate, seized and possessed of real and personal estate, leaving a widow, children and creditors. The personalty is more than sufficient to pay debts. You are retained by the widow and children to have the estate properly administered according to the rights of all concerned. How would you proceed? Who would be necessary parties to the suit; and what would be the rights of the widow, children and creditors with respect to both the real and personal property?

31. What is evidence, testimony, proof, primary evidence and hearsay evidence respectively?

32. What is the "burden of proof," and upon whom, as a general rule, does it rest? Give exceptions to the general rule.

33. What classes of persons were incompetent to testify at common law; and which of these disabilities has been removed by statute in Virginia?

34. How may the credit of a witness for truth and varacity be impeached? State the doctrine as to the right of a party to impeach his own witness, and what foundation must be laid for the impeachment of a witness?

35. What is an *ex post facto* law? What is its effect when passed (a) by a State legislature, and (b) by congress, respectively?

36. When may criminal responsibility be modified by (a) drunkenness, (b) total insanity, and (c) monomania?

37. Distinguish between felonies and misdemeanors at common law, and also in Virginia?

38. Define justifiable, excusable, and felonious, homicide respectively, giving an illustration of each.

39. What crimes may be capitally punished in Virginia?

40. Define arson and burglary, respectively, and state why they are regarded as such heinous crimes.

List of Successful Applicants.

Alexander, J. H.	Leesburg, Va.
Bass, Robert G.	Petersburg, Va.
Broun, C. Beverley.....	Urbanna, Va.
Boyd, Elihu Roscoe.....	Davenport, Va.
Bragg, S. B.....	Richmond, Va.
Bryan, Thomas P.....	Richmond, Va.
Crittenden, William L.....	University of Va.
Collins, W. G.....	Vienna, Va.
Dulaney, Paul.....	Bristol, Va.
Gresham, Philip M.....	Lancaster, Va.
Gay, Thomas B.....	Richmond, Va.
Hall, M. Carter.....	Fredericksburg, Va.
Harris, T. S.....	Harris' Grove, Va.
Morton, R. K.....	Graham, Va.

Miller, J. D.....	Sword's Creek, Va.
McClung, J. Louis.....	Salem, Va.
McCoy, Harry E.....	Charlottesville, Va.
Nelson, Leon Maurice.....	Albemarle Co., Va.
Paul, John.....	Harrisonburg, Va.
Spratley, C. Vernon.....	Hampton, Va.
Sutherland, M. L.....	Richmond, Va.
Sanders, Hartley P.....	University of Va.
Walker, Otis P.....	Richmond, Va.
Webb, J. McB.....	Norfolk, Va.
Williams, Ashby.....	Charlottesville, Va.

Amendments to Charters--Increase of Capital—Va. Code 1904 Sec. 1105a (9).—The following form is used with the approval of the State Corporation Commission. Practitioners will find it convenient to refer to it, if marginal notes of same are made in their copies of the Code:

CERTIFICATE for amendment to the charter of the Company.

The Company, a corporation duly created by an order of the corporation court of the city of Charlottesville, entered on the fifth day of May, 1902, desiring to have its charter amended in the respects hereinafter set out, executes this certificate as required by law through its president and under its corporate seal, attested by its Secretary, and sets out:

(1) That on the day of June, 1904, there was held in the city of Charlottesville, Virginia, after due notice to all of the directors, a meeting of the Board of Directors of the said company at which meeting the Board of Directors passed a resolution declaring that it was advisable to amend the charter of this company so that its authorized maximum capital stock should be increased from \$25,000 to \$50,000, and \$25,000 thereof should be preferred stock; and to effect these purposes that the third section of the charter should be amended so as to read as follows:

“The capital stock of said company shall not be less than \$10,000 nor more than \$50,000 to be divided into shares of the par value of \$1000, subscriptions to said stock to be paid in money, lands, leases, labor or services or in any other property, real, personal or mixed. Of the said \$50,000, \$25,000 may be common stock, and \$25,000 may be preferred stock. The preferred stock to be so issued as to bear dividends at the rate of eight per cent. guaranteed to be paid before any dividends shall be paid on the common stock and the said preferred stock or any portion of it

outstanding to be redeemable at not less than par by the corporation after six months notice to the holders of any such stock."

And the said board of directors thereupon ordered a meeting of the stockholders to be called for the day of June, 1904, according to law and to take action upon the foregoing proposed amendments to the charter of the corporation.

(2) That on the day of June, 1904, there was held at the office of the said corporation in the city of Charlottesville a meeting of its stockholders after ten days' notice to all the stockholders, either served in person or by mailing the same as required by law such notice stating the time and place and object of the meeting. That at the said meeting, there was represented in person and by proxy over two-thirds in amount of the stockholders of the said corporation having voting power. That the foregoing resolution adopted by the board of directors proposing to amend section 3 of the charter of this company in the manner hereinbefore set out, was in terms laid before the said stockholders meeting and adopted by a unanimous vote in favor thereof, said vote being more than two-thirds in amount of the entire stock of the corporation.

(3) That the proceedings of said meeting was duly entered on the minutes of the said meeting.

THEREFORE this certificate is now signed by president of the Company, aforesaid, with its corporate seal thereto affixed, attested by, its secretary, at the city of Charlottesville, Virginia, this day of June, 1904.